

REMARKS

Claims 1-20 remain in the application and stand rejected. Reconsideration of the rejections in the last office action is respectfully requested in light of the following reasons.

Claim Rejections -- 35 U.S.C. § 112

The last office action rejects the term “best” in claim 4 and 16 as being indefinite. Claims 4 and 16 have been amended to replace “best layout” with “selected layout.” It is respectfully submitted claims 4 and 16 are now believed to be in compliance with the mandates of 35 U.S.C. §112.

Claim Rejections -- 35 U.S.C. § 102

Claims 1-9, 11, 13, and 19 stand rejected under 35 U.S.C. § 102 (e) as being anticipated by U. S. Publication No. 2003/0088554 by Ryan et al. ("Ryan"). The rejection is respectfully traversed.

To anticipate a claim, a reference must include all the limitations of the claim. As will be demonstrated below, Ryan does not teach or suggest at least one limitation of each rejected claim.

Claim 1 is patentable over Ryan at least for reciting: “for particular keywords employed by the consumer to perform searches **across different search engines on the Internet**” (emphasis added). Ryan does not teach or suggest receiving client data indicative of consumer preferred links for keywords employed to perform searches across different search engines. Ryan pertains to a single search engine (not different search engines) that updates its database based on links selected by consumers from search results of the single search engine. Ryan does not teach or suggest receiving data pertaining to consumer searches across different search engines.

Ryan paragraph 43, cited in the last office action, pertains to how search engine 10 suggests a web page. Paragraph 43 explains that a search input is obtained from one of a variety of sources and used along with the search algorithm to obtain search results. Ryan, FIG. 2, shows the various inputs to the search engine, but none of the inputs represents data indicative of links preferred by consumers for keywords employed to perform searches across different search engines. While Ryan's search engine can receive results from other search engines, Ryan does not teach or suggest that these results are consumer-preferred links. That is, nothing in Ryan suggests that the results from other search engines are not merely conventional search results based on conventional search algorithms, not consumer preferences.

Ryan paragraph 68, cited in the last office action, explains content 94 of Ryan FIG. 2. Content 94 comprises advertisements output by the search engine, not client data **received** by the search engine. Note that the client data are recited in claim 1 as received from a plurality of client computers. Ryan's search engine thus cannot be the source or provider of the client data, so the content 94 cannot be client data.

Ryan paragraphs 76-77, cited in the last office action, explain the surfer trace data gathered by Ryan's search engine. However, the surfer trace data are not effective as it is based on consumer selection from search results from a **single search engine**, not across different search engines as required by claim 1. Ryan employs a plug-in download (Java Applet) to gather surfer trace data, and thus requires a user to visit its search engine to gather surfer trace data from the user's client computer (Ryan, paragraph 91). That is, Ryan has no capability to gather surfer trace data from across different search engines. In Ryan, one search engine gathers surfer trace data only from its own delivered search results.

Claim 1 is also patentable over Ryan at least for reciting: "receiving a keyword from a search engine" and "providing the search engine a plurality of links." A conventional search engine receives a keyword and outputs search results responsive to the keyword. Claim 1 requires the opposite – receiving a keyword **from** a search engine and **providing** search results to the search engine. Ryan's search engine receives search

results, not keywords, from other search engines (Ryan, FIG. 2). Ryan's search engine also does not provide responsive links to other search engines.

Ryan paragraph 44, cited in the last office action, pertains to suggesting keywords to the user. Paragraph 44 explains that the suggested keywords are based on the user provided keyword. The keywords are generated by Ryan's search engine but are not received by anything that provides the search engine links responsive to the keywords.

Ryan paragraph 43, cited in the last office action, pertains to how Ryan's search engine suggests a web page. The suggested web page is output by Ryan's search engine for viewing by the user. The suggested web page is not a keyword and not provided to another search engine.

Ryan paragraphs 76-77, cited in the last office action, explain the surfer trace data gathered by Ryan's search engine. The surfer trace data are not keywords, nor links provided to a search engine (and responsive to a keyword provided by the search engine).

For at least the above reasons, it is respectfully submitted that claim 1 is patentable over Ryan.

Claims 2-9, 11, and 13 depend on claim 1. Therefore, claims 2-9, 11, and 13 are patentable over Ryan at least for the same reasons that claim 1 is patentable, as well as because of the combination of features set forth in these claims and claim 1. For example:

Claim 4 as amended recites that the search engine is informed of a layout selected from among a plurality of different layouts based on a number of consumers who clicked on a link as presented in the selected layout. It is respectfully submitted that Ryan does not disclose selection of a layout among a plurality of different layouts for its search results.

Claim 8 recites that the first client computer does not have a client program in communication with a server computer providing the plurality of links to the search engine. Claim 8 depends on claim 6, which depends on claim 1. Ryan cannot meet the limitations of claim 8 because Ryan's surfer trace data is collected by the search engine that provides the web page with the search results and Java applet (Ryan, paragraph 91). The search engine thus necessarily has to communicate with the Java applet running in

the client computer. The last office action reads “the algorithm” as separate from the search engine. It is not clear what this algorithm is or how it is separate from the search engine, or how this algorithm and the search engine are on different server computers. Again, the only data that comes back to Ryan’s server is the surfer trace data, which are from a Java Applet provided along with the web page of search results. Therefore, the server providing the plurality of links (search results) must be communicating with this Java Applet or at least a web browser in the client computer.

Claim 19 is patentable over Ryan at least for reciting: “the search result including at least one link that is determined to be relevant to the keyword based on consumer actions with respect to the link **as displayed on different search results from different search engines**” (emphasis added). It is respectfully submitted that while Ryan updates its search engine database based on surfer trace data, that surfer trace data is not based on consumer actions with respect to a link as displayed on different search results from different search engines. Ryan’s surfer trace data are based on consumer action on a link from the same single search engine – not different search engines.

Claim Rejection -- 35 U.S.C. § 103 (Ryan and Gerace)

Claims 10 and 12 stand rejected under 35 U.S.C. § 103 as being unpatentable over Ryan in view of U.S. Patent No. 5,848,396 to Gerace (“Gerace”). The rejection is respectfully traversed.

There are three requirements to establish a prima facie case of obviousness. First, there must be some suggestion or motivation to modify a reference or to combine references. Second, there must be a reasonable expectation of success. Third, the prior art reference or combined references must teach or suggest all the claim limitations. See MPEP § 2143.

Claim 10 is patentable over the combination of Ryan and Gerace for reciting: “wherein the plurality of client data comprises consumer purchase behavior.” It is respectfully submitted that one of ordinary skill in the art would not be motivated to modify Ryan to include receiving of client data comprising consumer purchase behavior.

In Ryan, the web page containing search results include a Java Applet that returns surfer trace data. However, the surfer trace data cannot be extended beyond the first selected web page (Ryan, paragraph 89), as that would remove the search results and point the browser to the selected web page, breaking the link with the Java Applet. Therefore, Ryan cannot possibly have surfer trace data with purchase information. Gerace does not disclose anything that would get around this limitation of Ryan.

Claim 12 is patentable over the combination of Ryan and Gerace for reciting: “wherein the at least one link is determined to be relevant to the keyword based on a number of times consumers made a purchase by following the at least one link.” Ryan relies on surfer trace data to update its search database. However, as noted in regard to claim 10, Ryan cannot follow a link on the search results to determine whether or not a consumer has made a purchase. Gerace does not disclose anything that would get around this limitation of Ryan.

Claim Rejection -- 35 U.S.C. § 103 (Ryan and Anderson)

Claims 14-18 stand rejected under 35 U.S.C. § 103 as being unpatentable over Ryan in view of U.S. Publication No. 2004/0167928 by Anderson et al. (“Anderson”). The rejection is respectfully traversed.

Claim 14 is patentable over the combination of Ryan and Anderson at least for reciting: “a message delivery program that is configured to record client data indicative of consumer preferred links for keywords employed to perform searches across different search engines.” As noted in the last office action, Ryan does not disclose a plurality of client computers with message delivery programs configured to record client data indicative of consumer preferred links for keywords employed to perform searches across different search engines. Neither does Anderson. In Anderson, the client-side programs request documents from servers, which provide advertisements to the client computers running the client-side programs (Anderson, paragraphs 51-52). Anderson does not teach or suggest recording anything pertaining to searches performed across different search engines. Anderson merely pertains to sending of advertisements to client-side programs.

That is, neither Ryan nor Anderson teaches recording of client data pertaining to searches performed across different search engines.

Claim 14 is also patentable over the combination of Ryan and Anderson at least for reciting: “a message server computer configured to receive client data from the message delivery program in each of the client computers.” According to the last office action, Ryan as modified with Anderson meets this limitation of claim 14. Applicants respectfully disagree with this conclusion.

Claim 14 requires the message server computer to receive the client data from the message delivery programs. In Anderson, an ad-server receives requests for advertisements from client-side programs (Anderson, paragraph 54). These client-side programs request advertisements from the ad-server; the client-side programs do not provide the recited client data to the ad-server, nor anything pertaining to searches performed across different search engines. Ryan does not disclose a message server computer receiving the recited client side data either. In Ryan, a search engine receives surfer trace data from search results delivered by a single search engine.

Claims 15-18 depend on claim 14. Therefore, claims 15-18 and are patentable over the combination of Ryan and Anderson at least for the same reasons that claim 14 is patentable, as well as because of the combination of features set forth in these claims and claim 14. For example:

Claim 15 is patentable over the combination of Ryan and Anderson for reciting: “a search engine configured to receive a search request for a keyword from a first client computer, the search engine being configured to provide the keyword to the message server computer and to receive a set of links from the message server computer over the Internet, the links in the set of links determined to be relevant to the keyword based on the client data.” It is respectfully submitted that Ryan as modified with Anderson cannot meet the limitations of claim 15. Ryan’s search engine performs searches on a received keyword; it does not provide the keyword to a message server computer to receive a set of links. Anderson does not add anything to Ryan in this regard as Anderson does not pertain to searches.

Like claim 4, claim 16 is patentable over the combination of Ryan and Anderson for reciting: "the selected layout being selected based on a number of consumers who clicked on a particular link as presented in the selected layout versus the same particular link as presented in other layouts in the plurality of different layouts."

Claim Rejection -- 35 U.S.C. § 103 (Ryan and Bottigelli)

Claim 20 stands rejected under 35 U.S.C. § 103 as being unpatentable over Ryan in view of EP publication EP 1 217 560 A1 by Bottigelli et al. ("Bottigelli"). The rejection is respectfully traversed.

Claim 20 is patentable over the combination of Ryan and Bottigelli for reciting: "wherein the link is determined to be relevant based on client data received from a plurality of client programs provided to consumers in exchange for a product provided free of charge or at a reduced cost." As noted in the last office action, Ryan does not provide client programs in exchange for a product provided free of charge or at a reduced cost. Neither does Bottigelli. Bottigelli provides free Internet access (i.e., infrastructure), not client side programs sending client data as required by claim 20 (Bottigelli paragraphs 50-51). Therefore, the combination of Ryan and Bottigelli fails to meet all the limitations of claim 20.

Conclusion

For at least the above reasons, it is believed that claims 1-20 are in condition for allowance. The Examiner is invited to telephone the undersigned at (408)436-2112 for any questions.

If for any reason an insufficient fee has been paid, the Commissioner is hereby authorized to charge the insufficiency to Deposit Account No. 50-2427.

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Respectfully submitted,
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